

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DAVID JOSEPH ELKINS,

Plaintiff,

Civil No. 06-448-ST

WASHINGTON COUNTY, municipal  
corporation, WASHINGTON COUNTY  
SHERIFF, ROBERT GORDON, individually  
and in his official capacity, officer TODD  
DUNCAN, individually and in his official  
capacity, officer TOBY HARRIS, individually  
and his official capacity, officer ZIGGY  
LOPUSZYNSKI, individually and in his official  
capacity,

ORDER

Defendants.

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HAGGERTY, Chief Judge:

Magistrate Judge Stewart issued a Findings and Recommendation in this action [112], in which the Magistrate Judge recommended that defendants' Motion for Summary Judgment [59] should be granted and plaintiff's Motion for Partial Summary Judgment [49] should be denied.

Plaintiff filed objections to the Findings and Recommendation, and the matter was then referred to this court.

At the outset, plaintiff's motion [116] requesting the court to delay ruling on the adoption of the Findings and Recommendation is denied as moot, because the underlying United States Supreme Court opinion has been issued.

When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The objections were filed in a timely manner. The court has given the file of this case a *de novo* review, and has also carefully evaluated the Magistrate's Findings and Recommendations, the objections, and the entire record. Magistrate Judge Stewart provided a thorough analysis of the facts and circumstances regarding this litigation, and the analysis need not be repeated here. Accordingly, this court adopts the Findings and Recommendation as presented.

Plaintiff's objections have been scrutinized, and this court has undertaken a *de novo* review of the Findings and Recommendation at issue. Plaintiff's motion to delay ruling [116] is denied as moot. The Findings and Recommendation [112] is adopted in full.

IT IS SO ORDERED.

Dated this 3rd day of May, 2007.

/s/ Ancer L. Haggerty  
Ancer L. Haggerty  
United States District Judge